

HOUSE BILL 3672

By Stewart

AN ACT to amend Tennessee Code Annotated, Title 59  
and Title 69, Chapter 3, relative to water quality  
control.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 69, Chapter 3, Part 1, is amended by  
adding the following language as a new, appropriately designated section:

Section 69-3-1\_\_.

(a) As used in this section, unless the context otherwise requires:

(1) "Adjoining property" means the closest adjoining property with  
no ownership or pecuniary interest in a coal surface mine; and

(2) "Owner" means the owner or lessee of the permitted site on  
which coal surface mining occurs.

(b) If after the issuance of a coal surface mining permit the water quality  
on property adjacent to the permitted site is degraded by mine damage from  
such site, the owner of the permitted site shall provide the owners of such  
affected adjoining property with an alternative water source with water quality  
levels equal to or greater than the levels measured prior to the commencement  
of mining operations. These requirements shall continue for as long as the  
degradation of water quality exists on the permitted site.

(c) The owner of the permitted site shall be required to conduct water  
quality tests on all property adjacent to the permitted both prior to and during coal  
surface mining operations through to the completion of all reclamation plan  
requirements as prescribed in title 59, and shall bear all costs for such testing.

The owner of the permitted site shall provide adjoining property owners and all other affected persons with the results of all water quality tests conducted pursuant to this section within seven (7) days of their receipt by the operator.

(d) Failure to conduct water quality testing in accordance with this section shall create a rebuttable presumption of significant water quality degradation on property adjacent to the permitted site, except when an adjoining property owner has refused a written request by the owner of the permitted site to conduct water quality testing.

(c) The commissioner is authorized to promulgate rules and regulations to effectuate the purposes of this section, including but not limited to the establishment of criteria to determine whether sufficient water quality testing has occurred. All such rules and regulations shall be promulgated in accordance with Uniform Administrative Procedures Act, compiled in title 4, chapter 5.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity or affect shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.